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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,871	08/23/2000	Eric C. Peters	A0001-003013	3852
26653	7590	06/28/2006	EXAMINER	
KRISTOFER E. ELBING			VU, THANH T	
187 PELHAM ISLAND ROAD			ART UNIT	
WAYLAND, MA 01778			PAPER NUMBER	
			2174	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/645,871	<b>Applicant(s)</b> PETERS ET AL.	
	<b>Examiner</b> Thanh T. Vu	<b>Art Unit</b> 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-62, 65 and 66 is/are allowed.
- 6) ☒ Claim(s) 63 and 64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This communication is responsive to an amendment filed 04/07/2006.

Claims 15-66 are pending in this application; claims 15, 21, 27, 33, 39, 45, 48, 51, 63, and 65 are independent claims, and claims 15, 21, 27, 33, 39, 45, 48, and 65 have been amended.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

Claims 63, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Video Editing and Post Production: A Professional Guide 2d ed. by Gary Anderson in view of Mitsubishi Owner Manual.

Claim 63, Video Editing by Gary Anderson teaches a random access computer readable medium for storing video information in one or more data files in a computer file system (p. 66). The memory is a readable medium. Anderson teaches a computer system for playing a motion video (p. 66). Anderson teaches a display (p. 66). Anderson teaches a standard alphanumeric keyboard (p. 68). Anderson teaches an operative in response to signals from a set of three adjacent keys from the standard alphanumeric keyboard to control shuttling of playback of the video information from the one or more data files in the selected window at a shuttle speed and in a shuttle direction (p. 69). Anderson teaches the first of three keys being a forward shuttling key (p. 69). Anderson teaches a second of three keys being for pausing (p. 69). Anderson teaches a third of three keys being for reverse shuttling (p. 69). Anderson teaches multiple successive actuations of the first key causes a change in forward shuttle speed (pg. 69; multiple successive

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actuations of a first key, "advance"; along with activation of the "jog" function causes a change in the forward shuttle speed) and multiple successive actuations of the third key causes a change in reverse shuttle speed (pg. 69; multiple successive actuations of third key, "retard"; along with activation of the "jog" function causes a change in the reverse shuttle speed).

However, Anderson does not explicitly disclose a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed, a second actuation of the first key after the first actuation of the first key causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed, a first actuation of the third key in the paused condition causes images of the video material to be presented to the user at a predetermined first reverse shuttle speed and a second actuation of the third key after the first actuation of the third key causes a change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed wherein the second key is between the first and third keys and wherein a first actuation of the second key after the first or second actuations of the first key or after the first or second key or after the first or second actuations of the third key causes the video material to be paused. Mitsubishi Owner Manual teaches a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed, a second actuation of the first key after the first actuation of the first key causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed, a first actuation of the third key in the paused condition causes images of the video material to be presented to the user at a

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predetermined first reverse shuttle speed and a second actuation of the third key after the first actuation of the third key causes a change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed wherein the second key is between the first and third keys and wherein a first actuation of the second key after the first or second actuations of the first key or after the first or second key or after the first or second actuations of the third key causes the video material to be paused (fig. 4A; *from right to left: selection of element 21 causes activation of the video material in the forward direction, selection of element 22 after 21 causes cessation/suspension/pausing of the video material in the forward direction and selection of 23 causes activation of the video material in the reverse direction during playback mode*). Therefore, it would have been obvious to an artisan at the time of the invention to include Mitsubishi Owner Manual's teaching of a first and third key having differing shuttle speed wherein a first actuation of the second key after the first or second actuations of the first key or after the first or second key or after the first or second actuations of the third key causes the video material to be paused upon a second actuation and wherein the second key is between the first and third keys to Anderson's teaching of a first and third key having a shuttle speed in order to provide users with a layout indicative of related functions such as variable shuttle speeds.

Claim 64, Anderson teaches the shuttle speed being increments corresponding to a frame per second rate of the video information (p. 68 and 69).

***Allowable Subject Matter***

Claims 15-62, 65, and 66 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art either alone or in combination doesn't teach the limitation of operative in response to signals from a set of three keys located right next to each other on one horizontal row in the standard alphanumeric keyboard to control shuttling of playback of the video information from the one or more data files in the selected window at a shuttle speed and in a shuttle direction, such that a first of the three keys is for forward shuttling, a second of the three keys is for pausing, a third of the three keys is for reverse shuttling, and wherein:

the second key is right between the first and third keys,

a first actuation of the first key in a paused condition causes images of the video material to be presented to the user at a first forward shuttle speed,

a second actuation of the first key, after the first actuation of the first key and while image of video material are presented to the user at a first forward shuttle speed, causes a change in forward shuttle speed from the first forward shuttle speed to a predetermined second forward shuttle speed that is faster than the first forward shuttle speed,

a first actuation of the third key in the paused condition causes images of the video material to be presented to the user at a predetermined first reverse shuttle speed,

a second actuation of the third key, after the first actuation of the third key and while images of the video material are presented to the user at a first reverse shuttle speed, causes a change in reverse shuttle speed from the first reverse shuttle speed to a predetermined second reverse shuttle speed that is faster than the first reverse shuttle speed, and

a first actuation of the second key after the first or second actuations of the first key or after the first or second actuations of the third key causes the video material to be paused in combination with the other claimed features.

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The prior art either alone or in combination doesn't teach the limitation of a set of three keys located right next to each other on one horizontal row of keys includes a first key on the user's left bearing a label indicated of a reserve shuttling function, a second, central key bearing a label indicative of a pause function and a third key on the user's bearing a label indicative of a forward shuttling function, wherein the first of the keys is an "L" key in QUERTY keyboard layout, wherein the second of the three keys is an "K" key in an QUERTY keyboard layout and the third of the three keys is a "J" key in a QUERTY keyboard layout in combination with other claim features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's primary argument is that the prior arts do not teach the newly amended features. However, the newly amended features are not in claim 63 or 64.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. Vu

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100